

FCC MAIL SECTION

JUN 14 10 39 AM '95

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

JUN 12 1995

In reply refer to:
1800B3-BCD

DISPATCHED BY

Lee W. Shubert, Esquire
Haley, Bader & Potts
4350 North Fairfax Drive, Suite 900
Arlington, VA 22203-1633

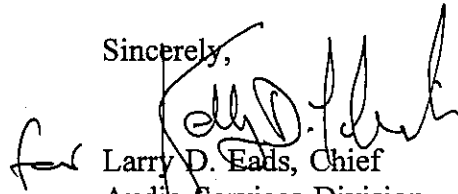
Re: WASK-FM, Battle Ground, IN
File No. BALH-940516GI
Petition for Reconsideration of
Application for Assignment of Station License

Dear Mr. Shubert:

On February 27, 1995 we granted above-referenced application to assign station WASK-FM, Battle Ground, Indiana, from Wizard Broadcasting, Inc. to Schurz Communications, Inc. We now have on file University Broadcasting Company, L.P.'s ("University") timely-filed petition for reconsideration, Schurz's opposition and University's reply. Although University alleges that the staff's grant of the application was erroneous in excluding non-commercial stations WBAA(AM/FM) when calculating the number of stations in WASK-FM's relevant market, we disagree. See 47 C.F.R. § 73.3555(a)(3)(ii) (The number of stations in a market is determined by relevant contour overlap of commercial stations with that of the stations in question); see also Memorandum Opinion and Order/First Recon. Order, 7 FCC Rcd 6387, 6395 (1992), Report and Order, 7 FCC Rcd 2755, 2778, 2781 (1992) (For purposes of multiple ownership rule, station count excludes non-commercial stations).

Accordingly, the petition for reconsideration filed by University Broadcasting Company, L.P. IS DENIED.

Sincerely,


for Larry D. Eads, Chief
Audio Services Division
Mass Media Bureau

cc. Richard S. Rodin, Esquire
Shelley Sadowsky, Esquire